

201 KAR 15:080. Complaints of violations.

RELATES TO: KRS 316.150

STATUTORY AUTHORITY: KRS 316.210(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 316.150 authorizes the board to take disciplinary action against the license of an embalmer, a funeral director, or a funeral establishment or against the registration of an apprentice for violations of KRS Chapter 316. The function of this administrative regulation is to establish the procedure for filing complaints of violations with the board.

Section 1. Complaint. (1) A complaint that an embalmer, a funeral director, a funeral establishment, or an apprentice (respondent) has violated the provisions of KRS Chapter 316 shall be made in writing to the board.

(2) The complaint shall be signed by the person (complainant) making the complaint.

(3) The complainant need not be a licensed embalmer or funeral director.

Section 2. Notice to Respondent. (1) The board shall send a notice with a copy of the complaint to the respondent requesting a written response to the complaint.

(2) The respondent shall file a written response to the complaint with the board within twenty (20) days after receipt of notice of the complaint.

Section 3. Investigation of Complaint. (1) The board may, if it deems appropriate, assign one (1) or more persons to conduct an investigation of the facts alleged in a complaint and submit a report to the board.

(2) The board may, at any time, conduct an investigation on its own initiative without receipt of a written complaint if the board has reason to believe that there may be a violation of KRS Chapter 316.

(3) The board may dismiss a complaint at any time if the board determines that the facts stated in the complaint, or facts known to the board after investigation, fail to warrant disciplinary action. The board shall notify the complainant and the respondent in writing if it dismisses the complaint. (BEFD-Rule 1; 1 Ky.R. 1014; eff. 6-11-75; Am. 21 Ky.R. 1747; eff. 3-6-95; 22 Ky.R. 2322; 23 Ky.R. 429; eff. 8-1-96.)